

Docket No.: 13173-00012-US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Karin Herbers et al.

Application No.: 10/516,075

Confirmation No.: 8256

Filed: November 29, 2004

Art Unit: 1651

For: METHODS FOR OBTAINING PATHOGEN
RESISTANCE IN PLANTS

Examiner: Not Yet Assigned

REQUEST FOR CORRECTED FILING RECEIPT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby request that a corrected Filing Receipt be issued in the above-identified patent application. The official Filing Receipt received by Applicant, a copy of which is attached hereto, has three errors as follows:

1. The Attorney docket number should read "13173-00012-US" in lieu of "53262-20097.00";
2. The Power of Attorney should read "The Patent Practitioners Associated with Customer Number 23416" in lieu of "Roberte Makowski-55421"; and
3. The Foreign Applications should read "Germany 10230220.0 07/04/2002" in lieu of Germany 102302320.0 07/04/2002.

The original Declaration, Power of Attorney and Petition was filed with the application on November 29, 2004, a copy of which is attached hereto. The new Power of Attorney indicating the above customer number and docket number was filed May 16, 2005, a copy of which is attached hereto.

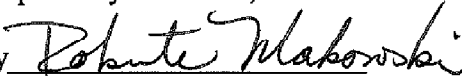
Applicants additionally request that all pertinent U.S. Patent and Trademark Office records relating to the subject application be changed to reflect these corrections.

Application No.: 10/516,075

Docket No.: 13173-00012-US

Applicants believe no fee is due with this request. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 13173-00012-US from which the undersigned is authorized to draw.

Respectfully submitted,

By 

Roberte M. D. Makowski, Ph.D.

Registration No.: 55,421

CONNOLLY BOVE LODGE & HUTZ LLP

1007 North Orange Street, P.O. Box 2207

Wilmington, Delaware 19899

(302) 658-9141

(302) 658-5614 (Fax)

Attorney for Applicants

547186_1



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLMS	IND CLMS
10/516,075	11/29/2004	1651	950	53262-20097.00 13173-00012-45	20	3

CONFIRMATION NO. 8256

Roberte M.D. makowski
CONNOLLY BOVE LODGE & HUTZ LLP
1007 NORTH ORANGE STREET
P.O. BOX 2207
WILMINGTON, DE 19899

FILING RECEIPT



OC000000024345617

Date Mailed: 06/19/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Karin Herbers, Quedlinburg, GERMANY;
Bettina Tschiersch, Quedlinburg, GERMANY;
Uwe Sonnewald, Quedlinburg, GERMANY;
Frederik Bornke, Quedlinburg, GERMANY;
Horst-Ekkehard Neuhaus, Kaiserslautern, GERMANY;

Power of Attorney:

(Roberte Makowski-55421)

- Should read: "The Patent Practitioners Associated with Customer Number 23416"

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/EP03/07027 07/02/2003

Foreign Applications

GERMANY 102302320.0 07/04/2002

Should read:
"Germany 10230220.0 07/04/2002"

Projected Publication Date: 09/20/2007

Non-Publication Request: No

Early Publication Request: No

Title

Methods for Obtaining Pathogen Resistance in Plants

Preliminary Class

435

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER**Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

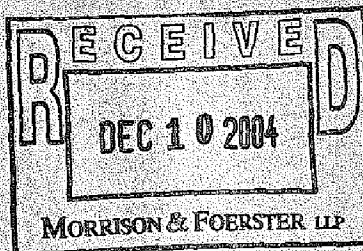
The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. *This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d).* This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



RETURN WHEN APPLICATION NO IS ASSIGNED

PATENT

Atty Docket No..53262-20097.00

Inventors: Uwe SONNEWALD, et al.

Atty: JR/nei

Filing Date: November 29, 2004

Application No.: Not Yet Assigned

Client: BASF

Title: METHODS FOR OBTAINING PATHOGEN RESISTANCE IN PLANTS

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

- ☒ Transmittal Letter to the US Designated/Elected Office Concerning a Filing Under 35 USC 371 (2 pgs.) in duplicate;
- ☒ Assignment Recordation Cover Sheet and Executed Assignment (3 pgs);
- ☒ Preliminary Amendment (17 pgs);
- ☒ English Translation of International Application (w/ dwgs and sequence listing) (120 pgs);
- ☒ Executed Declaration and Power of Attorney (3 pgs);
- ☒ Copy of International Application as filed;
- ☒ International Preliminary Examination Report (IPER);
- ☒ International Search Report (ISR);
- ☒ Information Disclosure Statement (2 pgs);
- ☒ Form PTO/SB/D8a/b (2 pgs) and (45) references;
- ☒ Authorization to charge Deposit Account 03-1952; and
- ☒ Return Receipt Postcard

10/516075

DT03 Rec'd PCT/PTO 29 NOV 2004

DOCKETED

Declaration, Power of Attorney and Petition

Page 1 of 3
0000053687

Customer No.

We (I), the undersigned inventor(s), hereby declare(s) that:

My residence, post office address and citizenship are as stated below next to my name,

We (I) believe that we are (I am) the original, first, and joint (sole) inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled

the specification of which

☐ is attached hereto.

☐ was filed on _____ as

Application Serial No. _____

and amended on _____.

☒ was filed as PCT international application

Number PCT/EP/03/07027 _____

on 02 July 2003 _____,

and was amended under PCT Article 19

on _____ (if applicable).

We (I) hereby state that we (I) have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We (I) acknowledge the duty to disclose information known to be material to the patentability of this application as defined in Section 1.56 of Title 37 Code of Federal Regulations.

We (I) hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed. Prior Foreign Application(s)

Application No.	Country	Day/Month/Year	Priority Claimed
10230220.0	Germany	04 July 2002	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

We (I) hereby claim the benefit under Title 35, United States Codes, § 119(e) of any United States provisional application(s) listed below.

_____	_____
(Application Number)	(Filing Date)
_____	_____
(Application Number)	(Filing Date)


We (I) hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Application Serial No.	Filing Date	Status (pending, patented, abandoned)
_____	_____	_____
_____	_____	_____
_____	_____	_____

And we (I) hereby appoint **MORRISON & FOERSTER LLP**, 1650 TYSONS BOULEVARD, SUITE 300, McLEAN, VIRGINIA 22102-3915 (telephone 703-760-7728), our attorneys, with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to sign the drawings, to receive the patent, and to transact all business in the Patent Office connected therewith.

We (I) declare that all statements made herein of our (my) own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

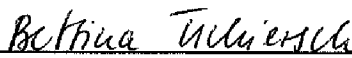
Karin Herbers
NAME OF SOLE OR FIRST INVENTOR


Signature of Inventor

Date 23. Juli 2003

Residence:
Am Hange 6
06484 Quedlinburg
Germany
Citizen of Germany
Post Office Address: same as residence


Bettina Tschiersch
NAME OF SECOND JOINT INVENTOR


Signature of Inventor

Date 23. Juli 2003

Residence:
Ballstr. 26a
06484 Quedlinburg
Germany
Citizen of Germany
Post Office Address: same as residence

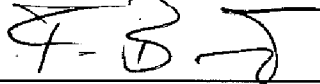
Uwe Sonnewald
NAME OF THIRD JOINT INVENTOR


Signature of Inventor

Date 23. Juli 2003

Residence:
Am Hange 6
06484 Quedlinburg
Germany
Citizen of Germany
Post Office Address: same as residence

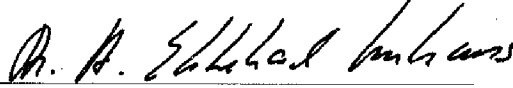
Frederik Börnke
NAME OF FOURTH JOINT INVENTOR


Signature of Inventor

Date 23. Juli 2003

Residence:
Am heiligen Brunnen 2
06484 Quedlinburg
Germany
Citizen of Germany
Post Office Address: same as residence

Horst-Ekkehard Neuhaus
NAME OF FIFTH JOINT INVENTOR


Signature of Inventor

Date 23. Juli 2003

Residence:
Im Braumenstück 13
67659 Kaiserslautern
Germany
Citizen of Germany
Post Office Address: same as residence

Due Date

Atty Docket No.: 13173-00012-US
Client Ref. No. : PF0000053687/KO

Inventor: Uwe Sonnewald, et al.

Application No.: 10/516075

Filing Date: November 29, 2004

Title: METHODS FOR OBTAINING PATHOGEN RESISTANCE IN PLANTS

Documents Filed:

Statement Under 37 CFR 3.73(b) (1 page)

Transmittal for Power of Attorney (1 page)

Power of Attorney (1page)

Certificate of Mailing (1 page)

Copy of Assignment and cover sheet (3 pages)
Postcard

Via: First Class Mail

Handling Atty: RMM/thl

Date: May 16, 2005

Client Contact:

Due Date

Atty Docket No.: 13173-00012-US
Client Ref. No. : PF0000053687/KO

Inventor: Uwe Sonnewald, et al.

Application No.: 10/516075

Filing Date: November 29, 2004

Title: METHODS FOR OBTAINING PATHOGEN RESISTANCE IN PLANTS

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Copy of Assignment and cover sheet (3 pages)
Postcard

JC10 Rec'd PCT/PTO 19 MAY 2005

Via: First Class Mail

Handling Atty: RMM/thl

Date: May 16, 2005

Client Contact:

Application No. (if known): 10/516075

Attorney Docket No.: 13173-00012-US

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on May 16, 2005
Date



Signature

Tina R. Hall

Typed or printed name of person signing Certificate

Registration Number, if applicable

(302) 658-9141

Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Statement Under 37 CFR 3.73(b) (1page)
Transmittal for Power of Attorney (1page)
Power of Attorney (1page)
Copy of Assignment and cover sheet (3 pages)
Post Card

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Uwe Sonnewald et al.

Application No.: 10/516075

Confirmation No.:

Filed: November 29, 2004

Art Unit: N/A

For: Methods for Obtaining Pathogen Resistance in
Plants

Examiner: Not Yet Assigned

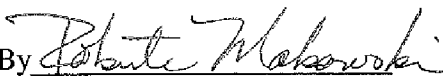
TRANSMITTAL OF POWER OF ATTORNEY

Dear Sir:

Applicants enclose herewith the executed Power Of Attorney To Prosecute Applications Before the USPTO with change of correspondence address and Statement Under 37 CFR § 3.73(b) in the above-referenced application. Because a Notice of Recordation has not yet been received, the Reel and Frame number have not been completed in the Statement Under 37 CFR § 3.73(b). However, a copy of the original assignment and cover sheet submitted with the filing of the National Stage of the above-referenced application on November 29, 2004 is enclosed.

Applicants believe no fee is due. However, if a fee is due, the Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 03-2775, under Order No. 13173-00012-US, from which the undersigned is authorized to draw.

Respectfully submitted,

By 

Roberte M. D. Makowski

Registration No.: 55,421

CONNOLLY BOVE LODGE & HUTZ LLP

1007 North Orange Street

P.O. Box 2207

Wilmington, Delaware 19899

(302) 658-9141

(302) 658-5614 (Fax)

Attorney for Applicants

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Uwe Sonnewald et al.Application No./Patent No.: 10/516075 Filed/Issue Date: November 29, 2004Entitled: METHODS FOR OBTAINING PATHOGEN RESISTANCE IN PLANTS

SunGene GmbH & Co., a Corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
 The extent (by percentage) of its ownership interest is _____ %
 in the patent application/patent identified above by virtue of either:
- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
 The document was recorded in the United States Patent and Trademark Office at
 Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
 The document was recorded in the United States Patent and Trademark Office at
 Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
 The document was recorded in the United States Patent and Trademark Office at
 Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.
 [NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Roberte M.D. Makowski
 Signature

May 16, 2005
 Date

Roberte M.D. Makowski, Ph.D.
 Printed or Typed Name

302-658-9141
 Telephone Number

Attorney-Reg. No. 55,421
 Title

POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint:

- ☒ Practitioners associated with the Customer Number: 23416
- OR**
- ☐ Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number	Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(b) to:

- ☒ The address associated with Customer Number: 23416

OR

☐ Firm or Individual Name

Address

City

Country

State

Telephone

Zip

Fax

Assignee Name and Address:

SunGene GmbH & Co. KGaA
Corrensstr. 3
06466 Gatersleben
GERMANY

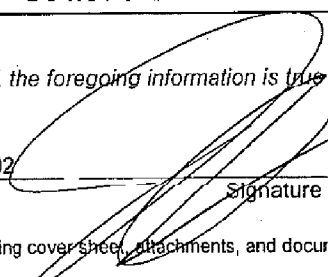
A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature	<i>Karin Herbers</i>	Date	07.04.05
Name	Karin Herbers	Telephone	639482 760103
Title	Managing Director		

388165

Form PTO-1595 (Rev. 03/01) OMB No. 0651-0027 (exp. 5/31/2002)	RECORDATION FORM COVER SHEET PATENTS ONLY	U.S. DEPARTMENT OF COMMERCE U.S. Patent and Trademark Office
To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof		
1. Name of conveying party(ies): Karin HERBERS, Bettina TSCHIERSCH, Uwe SONNEWALD, Frederik BORNKE, and Horst-Ekkehard NEUHAUS Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	2. Name and address of receiving party(ies) Name: <u>SunGene GmbH & Co. KGaA</u> Street Address: <u>06466 Gatersleben</u> <u>GERMANY</u> Additional name(s) & address(es) attached: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
3. Nature of Conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____ Execution Date: <u>July 23, 2003</u>	4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the new application is: <u>July 23, 2003</u> A. Patent Application No.(s): _____ B. Patent No.(s): _____ Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
5. Name and address of party to whom correspondence concerning document should be mailed: Name: <u>James Remenick</u> <u>MORRISON & FOERSTER LLP</u> Street Address: <u>1650 Tysons Blvd., Suite 300</u> City: <u>McLean</u> State: <u>VA</u> Zip: <u>22102</u>	6. Total number of applications and patents involved: <u>1</u> 7. Total fee (37 CFR 3.41) \$ <u>40.00</u> <input type="checkbox"/> Enclosed <input checked="" type="checkbox"/> Authorized to be charged to deposit account <input type="checkbox"/> Authorized to be charged to credit card (Form 2038 enclosed) 8. Deposit account number: <u>03-1952</u> (Attach duplicate copy of this page if paying by deposit account)	
DO NOT USE THIS SPACE		
9. Statement and signature. <i>To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.</i> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 20px;"> <div style="width: 40%;"> <u>James Remenick, Reg. No. 36,902</u> Name of Person Signing </div> <div style="width: 30%; text-align: center;">  Signature </div> <div style="width: 20%; text-align: center;"> <u>November 29, 2004</u> Date </div> </div> <div style="text-align: center; margin-top: 10px;"> Total number of pages including cover sheet, attachments, and documents: <u>3</u> </div>		

Assignment of Application

0000053687

WHEREAS, I (WE)

Karin Herbers, Am Hange 6, 06484 Quedlinburg, Germany
Citizen of Germany*Bettina Tschiersch, Ballstr. 26a, 06484 Quedlinburg, Germany*
Citizen of Germany*Uwe Sonnwald, Am Hange 6, 06484 Quedlinburg, Germany*
Citizen of Germany*Frederik Börnke, Am heiligen Brunnen 2, 06484 Quedlinburg, Germany*
Citizen of Germany*Horst-Ekkehard Neuhaus, Im Braumenstück 13, 67659 Kaiserslautern, Germany*
Citizen of Germany

respectively, have invented certain new and useful improvements in

METHODS FOR OBTAINING PATHOGEN RESISTANCE IN PLANTS

for which an application for Letters Patent was executed on July 23, 2003

(Application No. _____,

filed _____,

), and _____

WHEREAS, *SunGene GmbH & Co. KGaA* (hereinafter referred to as "ASSIGNEE"), having a place of business at *06466 Gatersleben, Germany*, is desirous of acquiring the entire right, title and interest in and to said invention and in and to any Letters Patent that may be granted therefore in the United States and its territorial possessions and in any and all foreign countries;

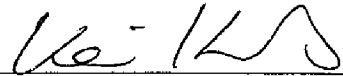
NOW, THEREFORE, in consideration of the sum of Five Dollars (\$5.00), the receipt whereof is hereby acknowledged, and for other good and valuable consideration, I (WE), by these presents do sell, assign and transfer unto said ASSIGNEE, the full and exclusive right to the said invention in the United States and its territorial possessions and in all foreign countries and the entire right, title and interest in and to any and all Letters Patent which may be granted therefor in the United States and its territorial possessions and in any and all foreign countries and in and to any and all divisions, reissues, continuations, substitutions and renewals thereof.


I (WE) hereby authorize and request the Patent Office Officials in the United States and its territorial possessions and any and all foreign countries to issue any and all of said Letters Patent, when granted, to said ASSIGNEE as the assignee of my (our) entire right, title and interest in and to the same, for the sole use and behoof of said ASSIGNEE, its (his) successors and assigns, to the full end of the term for which said Letters Patent may be granted, as fully and entirely as the same would have been held by me (us) had this Assignment and sale not been made.

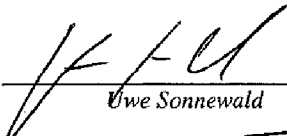
FURTHER, I (WE) agree that I (WE) will communicate to said ASSIGNEE, or its (his) representatives any facts known to me (us) respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuation, substitute, renewal and reissue applications, execute all necessary assignment papers to cause any and all of said Letter Patent to be issued to said ASSIGNEE, make all rightful oaths, and, generally do everything possible to aid said ASSIGNEE, its (his) successors and assigns, to obtain and enforce proper protection for said invention in the United States and its territorial possessions and in any and all foreign countries.

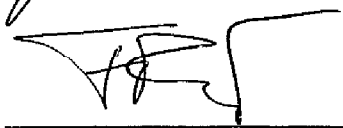
The undersigned hereby grant(s) the firm of MORRISON & FOERSTER LLP, 1650 TYSONS BOULEVARD, SUITE 300, McLEAN, VIRGINIA 22102-3915, the power to insert on this assignment any further identification, including the application number and filing date, which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

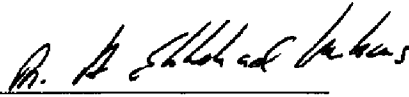
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Date: 23. Juli 2003 Signature of Inventor: 
Karin Herbers

Date: 23. Juli 2003 Signature of Inventor: 
Bettina Tschiersch

Date: 23. Juli 2003 Signature of Inventor: 
Uwe Sonnewald

Date: 23. Juli 2003 Signature of Inventor: 
Frederik Börnke

Date: 23. Juli 2003 Signature of Inventor: 
Horst-Ekkehard Neuhaus